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Forty-ninth year

Letter dated 17 February 1995 from the Permanent Representative of Slovenia to the United Nations addressed to the Secretary-General

Upon the instructions of my Government, I have the honour to refer to the letter dated 24 January 1995 from Ambassador Dragomir Djokić (A/49/839-S/1995/75 and Corr.1).

The views expressed in that letter are legally and factually unfounded and contravene the relevant resolutions adopted by the Security Council and the General Assembly. In particular, this is the case with regard to the assertions that "the Federal Republic of Yugoslavia continued to exist in international relations as a contracted Yugoslav federation" and that "the Federal Republic of Yugoslavia - pending the conclusion of the agreement to regulate the effects of secession from the Yugoslav federation - is the owner of the assets of the Socialist Federal Republic of Yugoslavia in the territories that seceded from the former federation".

In this connection it is necessary to recall that the Security Council stated, in its resolution 777 (1992) of 19 September 1992, that "the State formerly known as the Socialist Federal Republic of Yugoslavia has ceased to exist". Furthermore, in the same resolution, the Security Council stated that "the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations" and recommended to the General Assembly that it "decide that the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations and that it shall not participate in the work of the General Assembly".

The above Security Council resolution represents a clear and authoritative statement concerning the basic legal and factual aspects of the dissolution and extinction of the former SFR Yugoslavia and was confirmed subsequently by the Council in its resolution 821 (1993) of 28 April 1993 and by the General Assembly in its resolutions 47/1 of 22 September 1992 and 47/229 of 29 April 1993.

The repeated attempts by the "Federal Republic of Yugoslavia (Serbia and Montenegro)", one of the successor States of the former SFR Yugoslavia, to be de facto accepted as continuing the international personality of the former SFR Yugoslavia are in direct contravention of the above-mentioned resolutions. These attempts have been, to a certain extent, facilitated by the ambiguous situation within the United Nations, where some of the attributes of the former SFR Yugoslavia are still present although that former State no longer exists. We consider that it would be appropriate to put an end to this ambiguity by, inter alia, removing the flag and the name-plate of the former SFR Yugoslavia from the premises of the United Nations. Thus, the fact that the former SFR Yugoslavia ceased to exist would at last be adequately reflected. Moreover, this would prevent any further attempts to circumvent the relevant resolutions of the General Assembly and the Security Council on this matter.

I should be grateful if you would have the text of the present letter circulated as a document of the forty-ninth session of the General Assembly, under agenda items 8 and 112, and of the Security Council.

(Signed) Danilo TÜRK
Ambassador
Permanent Representative